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In the Supreme Court of the United States

OCTOBER TERM, 1962

No. 431

ARVIL R. HARDCASTLE, VERNON E. CLARY, LAWRENCE J. STARKEL, JAMES H. KREIDER, ROBERT D. MOCK, on their own behalf and on behalf of others similarly situated,

Petitioners,

vs.

WESTERN GREYHOUND LINES (DIVISION OF THE GREYHOUND CORPORATION), a corporation, D. L. RHODES, as an individual in a representative capacity, J. ADORNETTO, as an individual in a representative capacity, DAN BANTA, as an individual in a representative capacity,

Respondents.

Answer of Western Greyhound Lines (Division of The Greyhound Corporation) to Petition for Certiorari

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Western Greyhound Lines was formed on June 1, 1957, and, concurrently with its formation, took over the respective operations of Pacific Greyhound Lines, Northwest Greyhound Lines and Northland Greyhound Lines.

Drivers employed by the several lines had been represented by one or another of several locals ("Divisions") of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America. Following the formation of Western Greyhound Lines, these locals formed a joint Council, which thenceforth acted as the bargaining representative of all drivers employed by Western Greyhound Lines.

The territory served by Western Greyhound Lines (like the respective territories served by its predecessors) is divided into operating divisions. Prior to May 28, 1959, seniority rights were acquired and exercised on a divisional basis. As highways are improved, relocated and shortened, and as other operating conditions change, it becomes desirable from time to time to alter the boundaries of operating divisions or to merge two or more operating divisions into one. Each time this had occurred, it had necessitated a rearrangement of seniority rights with resultant problems which were not always easy of solution.

In May, 1959, Western Greyhound was contemplating certain further division changes and mergers. To solve the seniority problem once and for all, it entered into an agreement with the Council under which systemwide seniority was to replace divisional seniority. Since the system had been formed on June 1, 1957, systemwide seniority rights were to accrue from that date.

The petitioners are dissatisfied with the foregoing agreement. However, like the plaintiff in *Ford Motor Co. v. Huffman*, 345 U.S. 330, 73 S.Ct. 681 (1953), they have asserted no claim that their bargaining representative was actuated by any improper motive. They alleged no such motive in their complaint, nor did they assert the existence of any such motive in opposing the motion for summary judgment.

We submit that the case presents no question calling for review by this Court and that the petition for certiorari should be denied.

Respectfully submitted.

Attorneys for Respondent
Western Greyhound Lines